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UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Denis Martin et al.

Serial No.: 10/078,531

Group Art Unit: 1645

Filed: February 21, 2002

Examiner: Khatol S. Shahnan Shah

For: STREPTOCOCCUS PYOGENES POLYPEPTIDES AND CORRESPONDING DNA FRAGMENTS

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

Timing and Fees

Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:

- within three months of the filing date of a national application other than a CPA under § 1.53(d);
- within three months of the actual filing date of the national phase of a PCT application; OR
- before the mailing of a first substantive office action (including after filing of an RCE).

Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:

- a final rejection under 37 C.F.R. 1.113;
- termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P. § 609(B)(2); OR

- a notice of allowance under 37 C.F.R. § 1.311; and is accompanied by:
 - the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
 - a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
- Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:
 - a final action under 37 C.F.R. § 1.113;
 - termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P. § 609(B)(2); OR
 - a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

- the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(e)

- Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
- No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

Cited Materials

- Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. _____, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).
- Copies of materials listed but not attached were cited in an international search report dated _____.

Copies of the materials listed are attached.

Non-English Language References

An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).

A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:

X = document of particular relevance when it is taken alone
Y = document of particular relevance when it is combined with another such document
A = document defining the general state of the art
O = non-written disclosure
P = intercalated document
T = document cited to understand the theory or principle underlying the invention
E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date
D = cited in the application
L = cited for another reason
& = publication of member of same patent family

Translation of other relevant information on foreign search report

[insert necessary translation here]

Other Information

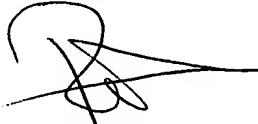
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Respectfully submitted,



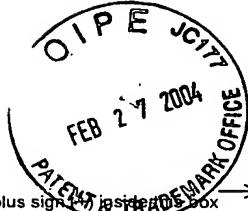
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Attorney Docket No.: PHARMA-0018

Date: February 27, 2004

RML:jmj



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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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| <i>Complete if Known</i> | |
|--------------------------|------------------------|
| Application Number | 0/078,531 |
| Filing Date | February 21, 2002 |
| First Named Inventor | Denis Martin et al. |
| Group Art Unit | 1645 |
| Examiner Name | Khatol S. Shahnan Shah |
| Attorney Docket No. 1 | PHARMA-0018 |

Attorney Docket Number

PHARMA-0018

FOREIGN PATENT DOCUMENTS

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials * | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|---------------------|-----------------------|---|----------------|
| | | • Analysis of Gene Expression in <i>Streptococcus pyogenes</i> by Quantitative Polymerase Chain Reaction; Leslie Croy, Stephen Olmsted, 2002 General Meeting (5/19/2002 - 5/23/2002) American Society for Microbiology | |
| | | • Utilization of Human Antibodies to Open Reading Frame Proteins for Evaluating Opsonophagocytic Activity Against <i>Streptococcus pyogenes</i> ; Elisabeth Anderson et al., 2002 General Meeting (5/19/2002 - 5/23/2002) American Society for Microbiology | |
| | | • Reid et al., "Postgenomic analysis of 4 novel antigens of group A streptococcus", Journal of Bacteriology, Vol. 184, No. 22, pp. 6316-6324, Nov. 2002 | |
| | | • Virtaneva et al., "GAS Gene Expression in Humans and Cynomolgus Macaques with Acute Pharyngitis", Infection and Immunity, Vol. 71, No. 4, pp. 2219-2207, April 2003 | |
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| Examiner Signature | | Date Considered | |
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